

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

---

WANDA ENNETT  
336 Parker Street  
Chester, Pa 19013 ,

Plaintiff,

v.

THE NATIONAL RAILROAD PASSENGER  
CORPORATION d/b/a  
AMTRAK  
2955 Market Street  
3<sup>rd</sup> Floor North, Box 26  
Philadelphia, Pa 19104

THE SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY  
d/b/a SEPTA  
1234 Market Street  
Philadelphia, Pa 19107

CITY OF CHESTER  
1 Fourth Street  
Chester, Pa 19103,

Defendants.

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Civil Action No.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1349, 1441, and 1446, defendant National Railroad Passenger Corporation (“Amtrak”), by and through its counsel, hereby removes to the United States District Court for the Eastern District of Pennsylvania the case captioned Wanda Ennett v. National Railroad Passenger Corporation d/b/a Amtrak, et al., now pending in the Court of Common Pleas of Philadelphia County, June 2018 Term, No. 00406, and as grounds for removal states as follows:

1. Amtrak has been named as a defendant in the above-referenced action now pending in the Court of Common Pleas of Philadelphia County, June 2018 Term, No. 00406.

2. The above-referenced action was commenced by the filing of a Complaint on June 6, 2018. (See Complaint at Exhibit A).

3. Amtrak first received a copy of the Complaint when it was delivered to Amtrak's Philadelphia, Pennsylvania office on June 12, 2018. (See Exhibit A, stamp on cover sheet).

4. The Philadelphia County docket sheet does not reflect service of the Complaint on defendants Southern Pennsylvania Transportation Authority d/b/a SEPTA or the City of Chester, nor has anyone entered an appearance for either of these defendants. (See docket sheet at Exhibit B).

5. None of the other defendants' consent to removal is required in this case because they have not yet been served with the Complaint.

6. This Notice of Removal is being filed within thirty days of receipt of the Complaint by Amtrak, pursuant to 28 U.S.C. § 1446(b)(1).

7. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Amtrak was created by an Act of Congress, 49 U.S.C. § 24101 et seq., and more than half of its corporate stock is owned by the federal government. See 28 U.S.C. § 1349. As such, this case is removable to this Court pursuant to 28 U.S.C. § 1441(a).

8. Pursuant to 28 U.S.C. § 1446(a), copies of the pleadings served upon Amtrak are attached at Exhibit A.

9. Written notice of the filing of this Notice of Removal will be provided to the plaintiff, and a copy of this Notice of Removal and supporting papers will be filed with the clerk of the state court, as provided by 28 U.S.C. § 1446(d).

**WHEREFORE**, defendant Amtrak respectfully requests that the action described herein now pending in the Court of Common Pleas of Philadelphia County be removed to this Court.

LANDMAN CORSI BALLAINE & FORD P.C.  
Attorneys for Defendant  
National Railroad Passenger Corporation  
("Amtrak")

BY:

  
\_\_\_\_\_  
Yuri J. Brunetti, Esq.  
1617 JFK Boulevard, Suite 955  
Philadelphia, PA 19103  
Phone: (215) 561-8540  
Fax: (215) 988-1215

Dated: June 15, 2018

# **EXHIBIT A**

**KATS, JAMISON & ASSOCIATES**

By: Marina Kats, Esquire  
I.D. No. 53020  
Ryan Anderson, Esquire  
I.D. No. 200512  
1 Bustleton Pike  
Feasterville, PA 19053  
215-396-9001

**MAJOR JURY**



**Attorney for Plaintiffs**

**WANDA ENNETT**  
336 Parker Street  
Chester, PA 19013

**COURT OF COMMON PLEAS**  
**PHILADELPHIA COUNTY**  
**CIVIL ACTION**

**Plaintiff**

**No.**

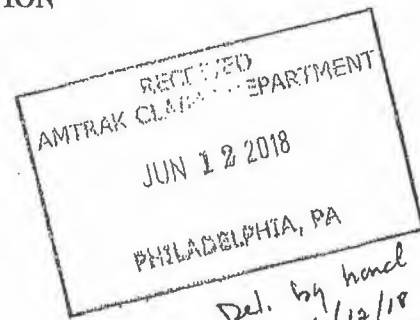
**v.**

**THE NATIONAL RAILROAD**  
**PASSENGER CORPORATION d/b/a**  
**AMTRAK**  
2955 Market Street  
3<sup>rd</sup> Floor North, Box 26  
Philadelphia, PA 19104

**THE SOUTHEASTERN**  
**PENNSYLVANIA**  
**TRANSPORTATION AUTHORITY**  
d/b/a SEPTA  
1234 Market Street  
Philadelphia, PA 19107

**CITY OF CHESTER**  
1 Fourth Street  
Chester, PA 19103

**Defendants**



**COMPLAINT IN CIVIL ACTION**  
**2S - PREMISES LIABILITY**  
**NOTICE TO DEFEND**  
**COMPLAINT IN CIVIL ACTION**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the

complaint of for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

#### AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decider a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion De Licenciados  
De Filadelfia  
Servicio De Referencia E  
Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

**KATS, JAMISON & ASSOCIATES**

By: Marina Kats, Esquire  
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 Ryan Anderson, Esquire  
 I.D. No. 200512  
 1 Bustleton Pike  
 Feasterville, PA 19053  
 215-396-9001

**MAJOR JURY****Attorney for Plaintiffs**

**WANDA ENNETT**  
 336 Parker Street  
 Chester, PA 19013

**Plaintiff****v.**

**THE NATIONAL RAILROAD  
 PASSENGER CORPORATION d/b/a  
 AMTRAK**  
 2955 Market Street  
 3<sup>rd</sup> Floor North, Box 26  
 Philadelphia, PA 19104

**THE SOUTHEASTERN  
 PENNSYLVANIA  
 TRANSPORTATION AUTHORITY**  
 d/b/a SEPTA  
 1234 Market Street  
 Philadelphia, PA 19107

**CITY OF CHESTER**  
 1 Fourth Street  
 Chester, PA 19103

**Defendants**

**: COURT OF COMMON PLEAS  
 : PHILADELPHIA COUNTY  
 : CIVIL ACTION**

**: No.**

**COMPLAINT IN CIVIL ACTION  
2S – PREMISES LIABILITY**

1. Plaintiff Wanda Ennett, is an adult individual who, at all times relevant hereto, resided at 336 Parker Street, Chester, PA 19103.

2. Defendant The National Railroad Passenger Corporation, doing business as AMTRAK ("AMTRAK"), is a business, company, partnership entity, fictitious name



and/or corporation, who regularly conducts business in the City of Philadelphia and with a place of business located at 2955 Market Street, 3<sup>rd</sup> Floor North, Box 26, Philadelphia, PA 19104.

3. Defendant The Southeastern Pennsylvania Transportation Authority, doing business as SEPTA ("SEPTA"), is a business, company, partnership entity, fictitious name and/or corporation, with its headquarters located at 1234 Market Street, Philadelphia, PA 19107.

4. Defendant City of Chester is a municipal corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with a principal place of office located at 1 Fourth Street, Chester, PA 19103.

5. On or about June 12, 2016, Plaintiff Wanda Ennett was lawfully disembarking a SEPTA bus that arrived in front of the premises located Welsh Street at its intersection with Amtrak Bridge Number 1342, across Welsh Street from the Chester Transportation Center in Chester, Pennsylvania (hereinafter "Premises"), owned, leased and/or maintained by AMTRAK, SEPTA, and/or the City of Chester, when suddenly and without warning, Plaintiff was caused to trip and fall on the broken sidewalk curb that was in a state of disrepair, causing Plaintiff to suffer severe, permanent and grievous injuries.

6. At all times material hereto, there was an obligation on the part of Defendants, as owners and/or landlords, to repair, maintain, inspect, clean and otherwise be responsible for the sidewalk in front of the Premises so that same would be safe for use by the public and, more specifically, Plaintiff.



7. At all times material hereto, Defendants acted through their agents, servants, workmen, employees and/or representatives, said individuals acting within the course and scope of their employment and/or agency.

8. At all times material hereto, Defendants herein owed a duty to clean, maintain, repair, inspect and otherwise be responsible for the outside of the Premises including, but not limited to the parking lot and to provide barriers and/or markings of any defect so that the area would be safe for the public and, in particular, Plaintiff.

9. Defendants herein knew and/or should have known of the said dangerous, insecure and defective condition of the sidewalk and the likelihood that the said dangerous, insecure and defective condition, i.e., the broken and uneven sections of said sidewalk in front of the Premises, would cause injuries to Plaintiff, especially in the absence of adequate safety measures.

10. On or about June 12, 2016, and for some time prior thereto, Defendants did allow the sidewalk to be and to remain in a dangerous, insecure and defective condition, i.e., the broken and uneven sections of sidewalk and the lack of a barrier indicating same, which thereby created an unreasonable hazard to Plaintiff.

11. The circumstances under which Plaintiff was injured were such that said injuries to Plaintiff could not have occurred absent the negligence and carelessness of Defendants and their agents, servants, workmen and/or employees, said individuals acting within the course and scope of their employment and/or agency.

12. The aforesaid accident resulted solely from the negligence and carelessness of Defendants and their agents, servants, workmen and/or employees and was due in no manner whatsoever to any act or failure to act on the part of Plaintiff.

**COUNT I**

**PLAINTIFF WANDA ENNETT**

**v.**

**ALL DEFENDANTS  
NEGLIGENCE**

13. Plaintiff Wanda Ennett incorporates herein by reference Paragraphs 1 through 11 inclusive, as though same were set forth at length.

14. The negligence and carelessness of Defendants consisted of the following:

a. failing to inspect, keep safe, correct or have corrected or otherwise maintain and clean the aforementioned dangerous and/or hazardous condition, i.e., the broken and uneven sidewalk sections, which caused Plaintiffs injuries, said defective, dangerous, hazardous and/or unsafe condition existing for a long period of time prior to the date of the incident;

b. allowing a dangerous, hazardous and/or unsafe condition of the sidewalk of the Premises to remain and exist, i.e., the broken and uneven sidewalk sections, which caused Plaintiffs injuries, which the Defendants knew or should have known created a hazard to patrons, business invitees and/or the general public lawfully inside the Premises;

c. failing to properly and adequately maintain the outside area of the Premises;

d. failing to take reasonable precautions against the aforementioned dangerous, hazardous and unsafe condition of the Premises, i.e., the broken and uneven sidewalk sections, which caused Plaintiffs injuries;

e. failing to provide barricades in the area of the aforementioned dangerous, hazardous and unsafe condition of the Premises, i.e., the broken and uneven sidewalk sections, which caused Plaintiffs injuries, to prohibit patrons, business invitees and/or the general public from traversing in the aforesaid area or reduce the chance of injuries to persons resulting from the dangerous, hazardous and unsafe condition on the Premises;

f. failing to properly and adequately hire and/or instruct the agents, servants, workmen, employees and/or representatives of the Defendants herein, as to safe and proper procedures for inspecting, maintaining and cleaning the Premises, including the area of the dangerous, hazardous and unsafe condition of the Premises, i.e., the broken and uneven sidewalk sections, which caused Plaintiffs injuries;

g. failing to provide safe conditions for patrons, business invitees and/or the general public on the Premises;

h. failing to provide and maintain proper supervision of the Premises;

i. failing to provide and maintain proper supervision over the cleaning and maintenance of the Premises, including the area of the dangerous, hazardous and unsafe condition of the Premises, i.e., the raised/uneven sidewalk sections, which caused Plaintiff's injuries;

j. failing to provide and maintain proper safety precautions of the sidewalk which caused Plaintiff's injuries;

k. failing to furnish a reasonable number and distribution of safety personnel and safety equipment at the Premises;

l. failing to respond in a timely manner to the aforementioned insecure, dangerous, hazardous and unsafe condition of the Premises, i.e., the raised/uneven sidewalk sections, which caused Plaintiff's injuries; and

m. failing to have passengers disembark, including Plaintiff, at an area of sidewalk that was not broken and in an unsafe and defective condition.

15. As the direct and proximate result of this accident, Plaintiff Wanda Bennett sustained severe and debilitating personal injuries on or about her entire neck, back, shoulder, legs and extremities, with serious personal injury including, but not limited to torn left rotator cuff with surgical repair; C3-4 disc herniation; multiple cervical disc protrusions and bulges; multiple lumbar disc protrusions and bulges; and chondromalacia patella.

16. As a further result of this accident, Plaintiff has been obligated to receive and undergo medical attention and care for her injuries and to incur various expenses for said care and she may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

17. As a further result of this accident, Plaintiff has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the

injuries she has suffered, to incur various expenses for said treatment and services and she may incur various reasonable and necessary future medical expenses from the injuries sustained, all of which Defendants are liable.

18. As a further result of this accident, Plaintiff has suffered an injury that may be in full or part a cosmetic disfigurement, which is permanent, irreparable or severe.

19. As a further result of this accident, Plaintiff has suffered an injury that has caused a physical deformity, which is permanent, irreparable or severe.

20. As a further result of this accident, Plaintiff has been unable to attend to her daily chores, duties and occupations and may be unable to do so for an indefinite time in the future.

21. As a direct result of the accident, Plaintiff has and may continue to incur other financial expenses or losses to which she may otherwise be entitled to recover.

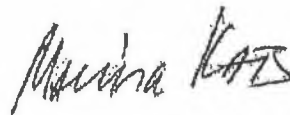
22. As a further result of the accident, Plaintiff has suffered severe physical pain, aches, mental anguish and humiliation, inconveniences and a loss of life's pleasures and she may continue to suffer the same for an indefinite time in the future.

23. The negligence and/or carelessness of Defendants and/or their agents, servants, workmen, employees, representatives, managers and/or independent contractors of Defendants herein which occurred within the course and scope of employment and/or agency with Defendants is imputed to Defendants and Defendants are liable for the same.

**WHEREFORE**, Plaintiff Wanda Ennett demands damages from Defendants The National Railroad Passenger Corporation, doing business as AMTRAK, Defendant The Southeastern Pennsylvania Transportation Authority, doing business as SEPTA, and the

City of Chester individually, jointly and/or severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

Kats, Jamison & Associates

A handwritten signature in black ink, appearing to read "Marina KATS". The signature is written in a cursive, somewhat stylized font.

Date: June 6, 2018

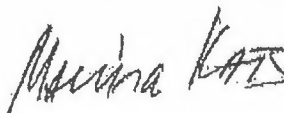
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Marina Kats, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, MARINA KATS, Esquire, hereby state that I am the attorney for Plaintiff in this action, and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

**Kats, Jamison & Associates**

A handwritten signature in dark ink, appearing to read "Marina KATS". The signature is written in a cursive, somewhat stylized font.

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Marina Kats, Esquire  
Attorney for Plaintiff

Date: June 6, 2018

# **EXHIBIT B**





## Civil Docket Report

A \$5 Convenience fee will be added to the transaction at checkout.

**Case Description**

**Case ID:** 180600406  
**Case Caption:** ENNETT VS THE NATIONAL RAILROAD PASSENGER CORPORAT  
**Filing Date:** Wednesday, June 06th, 2018  
**Court:** MAJOR JURY-EXPEDITED  
**Location:** City Hall  
**Jury:** JURY  
**Case Type:** PREMISES LIABILITY, SLIP/FALL  
**Status:** WAITING TO LIST CASE MGMT CONF

**Related Cases**

*No related cases were found.*

**Case Event Schedule**

*No case events were found.*

**Case motions**

*No case motions were found.*

**Case Parties**

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	KATS, MARINA
<b>Address:</b>	1 BUSTLETON PIKE FEASTERVILLE PA 19053 (215)396-9001	<b>Aliases:</b>	none	
2	1		PLAINTIFF	ENNETT, WANDA
<b>Address:</b>	336 PARKER ST CHESTER PA 19013	<b>Aliases:</b>	none	

3			DEFENDANT	NATIONAL RAILROAD PASSENGER CORPORATION
<b>Address:</b>	2955 MARKET ST 3RD FLOOR N BOX 26 PHILADELPHIA PA 19104	<b>Aliases:</b>	AMTRAK	
4			DEFENDANT	SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
<b>Address:</b>	1234 MARKET ST PHILADELPHIA PA 19107	<b>Aliases:</b>	SEPTA	
5			DEFENDANT	CITY OF CHESTER
<b>Address:</b>	1 FOURTH ST CHESTER PA 19103	<b>Aliases:</b>	none	
6			TEAM LEADER	NEW, ARNOLD L
<b>Address:</b>	606 CITY HALL PHILADELPHIA PA 19107 (215)686-7260	<b>Aliases:</b>	none	

**Docket Entries**

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/ Entry Date
06-JUN-2018 10:31 AM	ACTIVE CASE			06-JUN-2018 11:06 AM
<b>Docket Entry:</b>	E-Filing Number: 1806010745			

06-JUN-2018 10:31 AM	COMMENCEMENT CIVIL ACTION JURY	KATS, MARINA		06-JUN-2018 11:06 AM
<b>Documents:</b>	<a href="#">Click link(s) to preview/purchase the documents</a> <a href="#">Final Cover</a>			
	 <a href="#">Click HERE to purchase all documents related to this one docket entry</a>			
<b>Docket Entry:</b>	none.			
06-JUN-2018 10:31 AM	COMPLAINT FILED NOTICE GIVEN	KATS, MARINA		06-JUN-2018 11:06 AM
<b>Documents:</b>	<a href="#">Click link(s) to preview/purchase the documents</a> <a href="#">Complaint.pdf</a>			
	 <a href="#">Click HERE to purchase all documents related to this one docket entry</a>			
<b>Docket Entry:</b>	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.			
06-JUN-2018 10:31 AM	JURY TRIAL PERFECTED	KATS, MARINA		06-JUN-2018 11:06 AM
<b>Docket Entry:</b>	8 JURORS REQUESTED.			
06-JUN-2018 10:31 AM	WAITING TO LIST CASE MGMT CONF	KATS, MARINA		06-JUN-2018 11:06 AM
<b>Docket Entry:</b>	none.			

[► Case Description](#)[► Related Cases](#)[► Event Schedule](#)[► Case Parties](#)[► Docket Entries](#)[Search Home](#)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WANDA ENNETT**  
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**Chester, Pa 19013 ,**

**Plaintiff,**

**v.**

**THE NATIONAL RAILROAD PASSENGER  
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**2955 Market Street**  
**3<sup>rd</sup> Floor North, Box 26**  
**Philadelphia, Pa 19104**

**THE SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY**  
**d/b/a SEPTA**  
**1234 Market Street**  
**Philadelphia, Pa 19107**

**CITY OF CHESTER**  
**1 Fourth Street**  
**Chester, Pa 19103,**

**Defendants.**

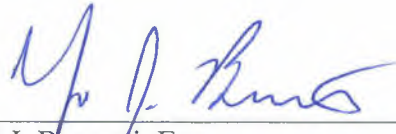
**Civil Action No.:**

**CERTIFICATE OF SERVICE**

I, Yuri J. Brunetti, certify that on this 15th day of June 2018, a copy of defendant National Railroad Passenger Corporation's ("Amtrak") Notice of Removal with supporting documents was served via first class mail, postage prepaid, upon the following:

Marina Kats, Esq.  
Kats, Jamison & Associates  
1 Bustleton Pike  
Feasterville, PA 19053

BY:

A handwritten signature in blue ink, appearing to read 'Yuri J. Brunetti', is written over a horizontal line.

Yuri J. Brunetti, Esq.  
LANDMAN CORSI BALLAINE & FORD P.C.  
Attorneys for Defendant  
National Railroad Passenger Corporation  
("Amtrak")

Dated: June 15, 2018